IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 6928 of 2005

Between:

Bomini Venkateshwar Rao, S/o Late Ragavaiah,
R/o Nacharam Village, Enkoor Mandal, Khammam District.

..... PETITIONER

AND

1. The Special Deputy Collector (TW), Badrachalam, Khammam District.
2. The Mandal Revenue Officer, Enkoor Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in passing impugned orders dt. 18-1-2005 in LTR Case No. 460/98/ENK in ejecting the Petitioner from the land admeasuring to an extent of Acres. 4.30 guntas in Sy.No.248, situated at Nacharam Village, Endoor Mandal, Khammam district as arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India and contrary to the provisions of A.P. Scheduled Areas Land Transfer Regulations 1959 r/w 1 of 70 and the Rules framed thereunder in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.KESAVA RAO

Counsel for the Respondent No.1 AND 2: GP FOR REVENUE/SOCIAL WELFARE

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 6928 of 2005

ORDER:

Declaring the action of the 1st respondent in passing impugned order dated 18.01.2005 in LTR Case No. 460/98/ENK, ejecting the petitioner from the land admeasuring to an extent of Acres 4.30 guntas in Sy.No.248, situated at Nacharam Village, Enkoor Mandal, Khammam District as illegal, arbitrary, and violative of Articles 14 and 300-A of the Constitution of India, the present writ petition is filed.

Heard the learned Counsel appearing for the petitioner and the learned Government Pleader for Social Welfare.

The grievance of the petitioner is that the 1st respondent passed the impugned order on 18.01.2005 itself, but the copy of the same has not been served on the petitioner as required under the A.P. Scheduled Areas Land Transfer Regulations 1959 and the Rules framed thereunder. On coming to know about the same, the petitioner applied for the certified copy of the order. In spite of that, the same has not yet been supplied to the petitioner so as to prefer an appeal before the competent authority.

The learned Government Pleader for Social Welfare opposed the same on the ground that at any rate, it is not an irregularity and the same cannot be corrected.

After passing the orders, the statutory authority is bound to furnish a copy as per Rule 10 of the Rules 1969, but the same has not been complied with in the instant case. The petitioner came to know about the passing of the order as to the ejectment only after the Mandal Revenue Officer visited the land in question. Immediately, though the petitioner applied for certified copy of the order, the first respondent has furnished neither a copy of the order or its certified copy as required under the above provision to the petitioner so as to enable him to prefer an appeal.

Therefore, the writ petition is disposed of directing the first respondent to furnish the copy of the impugned order dated 18.01.2005 within a period of one (1) week from the date of receipt of a copy of this order. However, it is made clear that Status quo obtaining as on today shall be maintained till the supply of certified copy of the order impugned and it shall be continued for a period of one (1) Week from the date of supply of a certified copy of the order. No costs.

K.C.BHANU, J.

Dated: 12.04.2005

Note:

Issue C.C. tomorrow.

(By Order)

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Copy to:

1. The Special Deputy Collector (TW),

   Badrachalam, Khammam District.

2. The Mandal Revenue officer,

   Enkoor Mandal, Khammam District.

3. Two C.Cs each to the Government Pleader for Revenue and G.P.For Social Welfare, High Court Buildings, High Court of A.P., Hyderabad. (O.U.T.)

4. Two C.D.Copies.